

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

OXYGENATOR WATER
TECHNOLOGIES, INC.,

Civil File No. 20-cv-00358-ECT-HB

Plaintiff,

v.

TENNANT COMPANY,

Defendant.

DECLARATION OF DAVID D. BRUSH

I, David D. Brush, declare as follows:

1. I am an attorney licensed to practice in the State of Minnesota and also a patent attorney licensed to practice at the U.S. Patent & Trademark Office. I practice with the law firm of Westman, Champlin & Koehler. I make this declaration in support of Tennant Company's motion for a protective order in the above-captioned case.

2. I have over 25 years of experience as an attorney. I specialize in patent preparation, prosecution, and client counseling.

3. I represented Tennant Company starting in approximately 2001.

4. In 2010, I provided Tennant with a legal opinion regarding some of OWT's then-existing patents after OWT approached Tennant about licensing its patents. I was not otherwise involved in the 2010 conversations between OWT and Tennant. Subsequent to the 2010 opinion, I have not provided - and was not asked to provide - Tennant with any legal opinions relating to OWT or its patents.

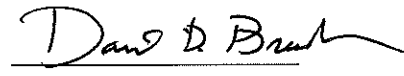
5. I also prosecuted Tennant's patent applications, conducted freedom to operate analyses, and provided other, similar, legal advice to Tennant regarding Tennant's intellectual property portfolio.

6. Tennant has not waived privilege to the legal advice I provided to Tennant.

7. I came into possession of a Bait Keeper device sometime in 2006, to the best of my recollection. That Bait Keeper device was given to me by Bruce Field, an employee of Tennant.

I declare under penalty of perjury of the laws of the United States that the foregoing is true and correct to the best of my knowledge.

Dated: August 16, 2021


David Brush